



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

शिमला, वीरवार, 27 अप्रैल, 1961/7 वैशाख, 1883

HIMACHAL PRADESH ADMINISTRATION

TRANSPORT DEPARTMENT

NOTIFICATION

Simla-1, the 18th April, 1961

No. T. 102-41/56-II.—In exercise of the powers conferred by clause (ww) of sub-section (2) of section 68 (Chapter IV) of the Motor Vehicles Act, 1939, as amended by Act No. 100 of 1956, the Lieut. Governor, Himachal Pradesh is pleased to make the following amendment in the Punjab Motor Vehicle Rules, 1940 as applied to Himachal Pradesh, the previous publication of which has already been made in the *Rajpatra*, Himachal Pradesh, dated the 28th July, 1960 under section 133 of the said Act.

After Rule 4-71 the following rule shall be added :

4.72 PROHIBITION TO WORK AS AGENT WITHOUT A LICENCE

I. Necessity for agent's licence.—No person shall engage as agent directly or indirectly in the business of collecting, forwarding and distribution of goods carried by road unless he holds a valid licence in Form AGL issued for the purpose under this rule by the Secretary, State Transport Authority or the Regional Transport Authority of a Region.

- (a) "Agent" means any person who engages himself directly or indirectly in the business of all or any of the following namely:—

Collecting, forwarding and distributing goods for or on behalf of any public carrier;

- (b) "Agent's licence" means a licence issued under this rule authorising a person as a forwarding agent or as a collecting agent, as the case may be;
- (c) "Forwarding agent" means a person licensed to do the business of collecting, forwarding and distributing goods for or on behalf of any public carrier; and
- (d) "Collecting and distributing agent" means a person licensed to do the service only of collecting and distributing goods on or on behalf of any public carrier.

II. Eligibility and qualifications for Agent's Licence.—Where the applicant for agent's licence is an individual, he —

- (a) shall be not less than twenty-five years of age;
- (b) shall be able to read and write legibly in English or one of the languages of Himachal Pradesh Territory or shall have had experience in the management of goods transport service for a period of not less than three years prior to the date of application; and
- (c) shall have adequate knowledge of the provisions of the Motor Vehicles Act and the Rules made thereunder so far they relate to the work and duties of the agent, the public carrier's permit and the rules regulating loading and unloading of goods vehicles.

III. Form of application.—An application for an agent's licence shall be made in Form A.G.L.A. to the Secretary, State Transport Authority or the Regional Transport Authority of the region in which the applicant resides or has or proposes to have his place of business. The application shall be accompanied by a treasury challan receipt for rupees fifty.

IV. Principles to be followed in considering an application.—The Secretary, State Transport Authority or Regional Transport Authority, shall in considering an application for an agent's licence have regard to the following matters, namely:—

- (a) the suitability of the place of business and the facilities the applicant can command in the area;
- (b) financial resources of the applicant and his ability to manage the business efficiently; and
- (c) the antecedents of the applicants and his fitness to hold the licence.

V. Forwarding agent and collecting-cum-distributing agent.—An agent's licence shall specify whether the holder thereof is licensed as a forwarding agent or as a collecting-cum-distributing agent.

VI. No agent's licence shall authorise a person as a forwarding agent unless he has adequate facilities to load and unload goods vehicles and for storage of goods at the premises authorised by the Secretary, State Transport Authority or Regional Transport Authority, under sub-rule (x)(a) of this rule.

VII. Period of validity and renewal.—An agent's licence issued under these rules shall be effective without renewal for a period of three years. It may be

renewed on an application made and disposed of as if it were an application for an agent's licence.

VIII. Conditions of an agent's licence.—The following shall be the conditions of an agent's licence:—

- (a) The agent shall not in the course of conduct of his service or business allow or cause to be allowed any vehicle to load, unload, or halt at any place so as to cause obstruction or to be a source of danger or inconvenience to the other traffic or persons;
- (b) The agent shall maintain in Form A.G.R. a record of collecting, forwarding and distribution of goods or of the service rendered in collecting goods for vehicles of any public carrier as the case may be. The record shall be opened to inspection by an Inspecting Officer of the Transport Department authorised by the Secretary, State Transport Authority or the Regional Transport Authority, in this behalf. The record shall be preserved for a period of not less than three years.
- (c) The agent shall issue or cause to be issued a receipt for the fee charged for the business done or service rendered by him and shall preserve the counterfoil thereof for a period of not less than one year.
- (d) The agent shall furnish to the Secretary, State Transport Authority, or Regional Transport Authority such reports and returns as may be specified from time to time.
- (e) The agent shall be responsible for loading the vehicles in such a manner as not to infringe any conditions of the permit of the vehicles or the provisions of the Motor Vehicles Act and Rules made thereunder.
- (f) The agent shall, while engaging a vehicle, ensure that the vehicle has a valid permit for the routes on which the vehicle has to ply.
- (g) The agent authorised as a forwarding agent shall—
 - (i) make or cause to be made proper arrangements for storage and safe custody of goods collected for despatch or delivery;
 - (ii) despatch or deliver the goods without any undue delay;
 - (iii) be responsible for proper delivery of goods consigned to the consignee; and
 - (iv) be liable to indemnify the consignor for any loss or damage to goods while in his custody.
- (h) The agent shall observe such other conditions as may be specified by the Secretary, State Transport Authority, or Regional Transport Authority.

IX. Suspension—cancellation.—The Secretary, State Transport Authority or Regional Transport Authority may for reasons to be recorded in writing cancel the licence or may suspend it for such period as he thinks fit, after giving an opportunity to the holder of the licence to show cause against the action proposed to be taken.

X. Authorisation of premises.—(a) The Secretary, State Transport Authority or Regional Transport Authority may in consultation with the Local Authority or the Police Authority having jurisdiction in the area concerned, authorise any place owned by or in possession of an agent to be used for loading, unloading and halting goods vehicles and for the storage of goods in the custody of the agent, having regard to the suitability of the site, sanitary conditions and storage facilities provided at the place.

(b) An authorisation granted under clause (a) of this sub-rule shall be subject to the following conditions, namely:—

- (i) that the premises covered by the authorisation shall at all times be kept in a clean condition and good state of repairs;
- (ii) that the licensees shall take all possible precautions against fire and against the premises being infested with vermin and animal pests, likely to cause damage to the goods; and
- (iii) any other conditions which may be specified by the Secretary, State Transport Authority or Regional Transport Authority.

(c) An authorisation issued under clause (a) may be suspended or revoked by an order made in writing by the Secretary, State Transport Authority or R.T.A. for contravention of any of the conditions under clause (b) or any other conditions which may be imposed by the Secretary, State Transport Authority or Regional Transport Authority:

Provided that, before an authorisation is so suspended or revoked, the licensee shall be given an opportunity to show cause against the action proposed to be taken.

XI. (i) Any person aggrieved by the refusal to grant an agent's licence under sub-rule (I) or the refusal to renew an agent's licence under sub-rule VII or by the suspension or cancellation of an agent's licence under sub-rule IX or by the refusal to grant an authorisation of a place under sub-rule X(a) or by suspension or revocation of such an authorisation under sub-rule X(c) may within thirty days of the receipt of the order, appeal, to the State Transport, Authority or Regional Transport Authority, as the case may be.

(ii) An appeal under clause (i) shall be in the form of a memorandum in duplicate setting forth concisely the grounds of objection to the decision or order which is the subject of appeal and shall be accompanied by the original or a certified copy of the decision or order:

Provided that if any doubt arises as to the date of receipt of the order by the person aggrieved, the decision of the State Transport Authority or Regional Transport Authority shall be final.

(iii) A fee of twenty rupees shall be paid in respect of each appeal and the appellant shall enclose with his memorandum of appeal a treasury receipt for the amount of the fee due on the appeal:

Provided further that no one memorandum of appeal shall relate to more than one order and be signed by more than one party.

XII. *Levy of fees for the supply of copies by the Transport Authorities.*—The Secretary State Transport Authority or Regional Transport Authority may in his discretion give any person interested in an appeal under sub-rule XI (i), a certified copy of the order, appealed against or of the appeal, petition or of any other relevant document on payment of a fee of two rupees such payment being made by means of Court fee stamps affixed to the application for each such copy of the order, petition or document.

XIII. *Issue of duplicate licences.*—If at any time an agent's licence is lost, destroyed or torn or otherwise defaced so as to be illegible, the agent shall forthwith apply to the Secretary, State Transport Authority or Regional Transport Authority by whom the licence was issued, for the issue of a duplicate licence.

The fee for the issue of duplicate agent's licence, shall be five rupees. Upon receipt of such an application with the prescribed fee, the Secretary State Transport Authority, or Regional Transport Authority shall issue a duplicate agent's licence clearly stamped with the word "duplicate". If a duplicate agent's licence is issued on a representation that the licence originally granted has been lost or destroyed and the original licence is subsequently found, the original licence shall be surrendered to the Secretary, State Transport Authority, or Regional Transport Authority, who is issued it.

XIV. Agent's licence to be carried on person.—An agent's licence authorising the collecting of goods for or vehicles of any public carrier, shall be carried by the agent while on duty, and shall be produced on demand to any Police Officer in uniform not below the rank of a Head Constable or any inspecting officer of the Transport Department authorised by the Secretary, State Transport Authority or Regional Transport Authority.

XV. Forwarding Agent's Licence display of.—The forwarding agent shall exhibit his agent's licence in a prominent place in the authorised premises of the agent and the licence shall be opened to inspection by any inspecting officer of the Transport Department authorised by the Secretary, State Transport Authority or Regional Transport Authority in this behalf or any Police Officer in uniform not below the rank of a Head Constable.

XVI. Employee of a forwarding agent to hold an identity card.—Any employee of a forwarding agent, while engaged in the business of collecting goods for or vehicles of any public carrier in connection with the business of the forwarding agent, shall possess an identity card issued by the forwarding agent. The card shall, on demand be produced to any inspecting officer of the Transport Department authorised by the Secretary, State Transport Authority or Regional Transport Authority in this behalf or any Police Officer in uniform not below the rank of a Head Constable.

XVII. Prohibition of transfer and un-authorised use of agent's licence.—No person shall hold or use any agent's licence not issued to him and no person shall lend or transfer his agent's licence to any other person.

XVIII. In the sixth schedule of the Punjab Motor Vehicles Rules, 1940, as applied to Himachal Pradesh after Form "D" the following forms shall be inserted namely:—

FORM A.G.L.A.

(APPLICATION FOR AGENT'S LICENCE)

(Rule 4.72 (III) of the Punjab Motor Vehicles Rules, 1940, as applied to Himachal Pradesh).

To

The Secretary,
State Transport Authority/
Regional Transport, Authority,

.....

Photograph

I/We apply for an agent's licence to enable* me/us to engage as a Forwarding Agent*/Collecting Agent.

1. Full name.....
2. Name of father or husband (in the case of individuals)†.....
3. Address.....
4. Date of birth.....
5. Educational qualification, or experience in the management of transport business.....
6. Place where the applicant proposes to engage as an agent.....
7. Nature and extent of financial resources of the applicant.....
8. Period for which the licence is required.....
9. To be filled in where the application is for a licence as Forwarding Agent.....
 - (a) Particulars of the site and its location.....
 - (b) Description of the premises (nature of buildings, extent of the site etc.).....
 - (c) Whether the site is owned by him or is in his possession or proposed to be rented.....
10. I am/We are fully conversent with the condition of public carrier permit and the provisions of the Motor Vehicles Act and Rules made there under so far as they relate to the restrictions regarding the routes, weights, loading and unloading of goods and the duties and functions of agents.
11. I/We enclose a treasury receipt for Rs.
12. I/We hereby declare that to the best of my/our knowledge and belief the particulars given above are true.

Signature of Applicant.

Duplicate Signature of Applicant.

Date.....

NOTE.—(1) Where the application is for a licence as forwarding agent, it shall be accompanied by sketch of the site with sufficient particulars of the roads leading to the site and a ground plan of the premises proposed to be used for the business of the forwarding agent.

(2) *Strike out whichever is inapplicable.

(3) †In the case of individual only.

FORM A. G. L.

AGENT'S LICENCE

[Rule 4.72(1) of the Punjab Motor Vehicles Rules, 1940, as applied to Himachal Pradesh].

Licence No.....19 .

Full name.....

Name of father or husband (in the case of an individual)

Address

is licensed to engage as Forwarding Agent/Collecting agent at (1).....subject to (2)

Photograph

Duplicate Signature of Applicant.

The licence is valid from (3)to.....

Date..... *Secretary,*
State Transport Authority/Regional Transport Authority.

AUTHORISATION OF PREMISES FOR THE BUSINESS OF
FORWARDING AGENT

So long as this Agent's licence is valid and renewed from time to time the holder is authorised to use the premises the particulars of which are given below, in connection with the business of the Forwarding Agent, subject to the provision of sub-rule (X) (b) and (c) of Rule 4.72 of the Punjab Motor Vehicles Rules, 1940, as applied to Himachal Pradesh.

Particulars of premises:—

Date..... *Secretary,*
State Transport Authority/Regional Transport Authority.

RENEWAL

No.....19 .

This licence is hereby renewed upto.....subject to (5).....

Secretary,
State Transport Authority/Regional Transport Authority.

No. 19 .

This licence is hereby renewed upto subject to (5)

.....

Secretary,

State Transport Authority/Regional Transport Authority.

- NOTE. --(1) Here enter the place or area where the agent is permitted to do his business.
 (2) Here enter the conditions or the list of conditions attached.
 (3) Here enter the period of validity of the licence.
 (4) Here enter the conditions subject to which authorisation is granted.
 (5) Here enter further conditions, if any.

FORM A.G.R.

REGISTER TO BE MAINTAINED BY A FORWARDING AGENT
COLLECTING AGENT/DISTRIBUTING AGENT

[Rule 4.72 (VIII (b) of the Punjab Motor Vehicles Rules, 1940, as applied to Himachal Pradesh].

- A. Name and address of the Agent.....
 B. Licence number.....
 C. Whether a forwarding agent or a collecting agent.....
 1. Date.....
 2. Nature of goods.....
 3. Weight of goods.....
 4. Name and address of the consignor.....
 5. Name and address of the consignee.....
 6. The route to be taken.....
 7. Registration No. of the vehicle used for transport.....
 8. Name and address of the permit holder of the vehicle.....
 9. Name and address of the driver.....
 10. The licence No. of the driver.....
 11. Remarks

By order,
 SURAJ SINGH,
 Joint Secretary.